

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
DAVID RENNIE,

Plaintiff,

-against-

TOP VIEW/ GO NEW YORK TIMES TOURS :
/ SOUTH EAST PERSONNEL, :

Defendant. :

23-CV-5226 (VSB)

ORDER-----X
VERNON S. BRODERICK, United States District Judge:

Plaintiff David Rennie (“Rennie”) moves for a protective order, (Doc. 9), and for sanctions against Defendant Go New York Tours, (“Go New York Tours”), for the improvident removal of this case (“*Rennie II*”), (Doc. 8). Rennie’s motion for a protective order is DENIED. Rennie made functionally the same motion in *Rennie v. Top View / Top View / Go New York Tours / South East Personnel*, No. 23-cv-4013 (S.D.N.Y. May 12, 2023) (“*Rennie I*”), and indeed, the first two pages of the motions in these cases appear to be substantially identical. (*Compare Rennie I*, Doc. 4 with *Rennie II*, Doc. 9.) I denied Rennie’s motion for a protective order in *Rennie I* as lacking any basis in law. *Rennie I*, Doc. 21. His motion here is denied for the same reason.


Rennie’s motion to remand remains pending. Courts routinely deny sanctions motions as premature when the motion is based on whether a separate motion is legally unsupportable. *See, e.g., Hernandez v. Miller*, No. 22-CV-6964 (VSB), 2022 WL 17584025, at *1 (S.D.N.Y. Dec. 12, 2022) (“[W]hile sanctions under Rule 11 may be warranted for unsupportable legal arguments, courts frequently deny them as premature when the motion would force a court to

prejudge the merits of a party's legal arguments.") (collecting cases). Given this, Rennie's motion for sanctions is DENIED as premature.

The Clerk of Court is respectfully directed to close the motions at Docs. 8 and 9 and mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: August 30, 2023
New York, New York



VERNON S. BRODERICK
United States District Judge